# THE DITCH PROPOSALS

### E.S. Boyd's Part in the Committee Debate.

The forceding argument and protest by Land Commissioner Buyd, was lodged with the Committee on Partie Islands and Porto Liber before Mr. Boyd left Washington. The Chairman of the Committee on Facilic Islands and Porto Bloo.

The Chairman of the Committee as Facilic Islands and Poris Rice. United States Senate:

Sir:—I submit the Icliowing statement regarding H. Bill No. 11,397. Now pending before your committee.

In the early part of 1391 an application was made by Samuel Parker of Henoisia to the officers of the Territory of Hawaii, for a license to collect and givert the water from the public lands to the morth and east of the Kohaia mountains, on the Island of Hawaii, and for a right of way for a dich across said lands.

The application was considered with death.

Across said londs.

The application was considered with much favor, but there was some doubt in the minds of the Territorial officers regarding their authority to grant the license asked, and the opinion of the Secretary of the Interior was sought, the reply was to the effect that if there was no stear authority under the law for such action, it should not be made, and that if there was not such authority and the Governor considered that such authority should be vested in the Governor, he should so state in his next annual report.

such authority should be vested in the Governor, he should so state in his next annual report.

About June ist, 1901, and a month prior to the receipt of the above reply of the Secretary, another application for a similar license was filed with the Territorial officers asking for the privilege of taking water from a portion of the same land named in the application of Samuel Parker. The latter application was in the name of John Walter Jones of Henolulu. No further action was had on either application until about July 8, 1901, when a meeting was held at which were present the Acting Governor, the heads of the different government departments, and representatives of the two applicants. This meeting was called to consider these applications. J. W. Jones presented plans for the proposed ditch, which he claimed were the result of the work of engineers which had been working in the Kohala mountains for some weeks on this matter.

The representatives of Samuel Parker 2000 presented certain maps and stated that they had surveyed part of the vestershed, and were asked to submit their plans and full maps within a month. The letter from the Secretary of the Interior was read and discussed and further action was delayed. The law was theroughly discussed for some time following, and it was finally de-

and further action was delayed. The law was thoroughly discussed for some time following, and it was finally de-termined that the Territorial officers have the requisite authority. the middle of August it was

About the requisite authority.
About the biddle of August it was determined that a report upon the plane extendited by J. W. Jones (no others laying been further presents to by any other person) should be made by the suscement engineer, who, accordingly, was sent to the Island of Hawaii for that purpose. His report after an examination, was that the plans of Jones were practicable, and recommended the issuance of a license, under certain restrictions. Another meeting was then called, at which were present Governor Dole, the heads of government departments, Samuel Parker, Mr. S. M. Ballou counsel for Mr. Parker, Mr. J. W. Jones, Messrs, H. B. and A. C. Gehr. Before there was any discussion Mr. Ballou announced on behalf of Mr. Parker that there had been a cosilition of the interests of Samuel Parker and J. W. Jones, and that Parker desired to withdraw his application, and that Parker would make no further application for this privileare. The Jones application for the plane of the linds in question I think that this is a mistory. It think that this is a mistory of the linds in question I think that this is a mistory. It think that this is a mistory. It think that this is a mistory of the linds in question I think that this is a mistory. It think that this is a mistory.

this time until about Septem-13th, there were many conferences adding the terms of the license, at containing a large number of restrictions and agreements to protect the government and other holders of all of which were pronounced able by both the Parker and

At this time certain business interears of the Islands requested a delay that they might examine into the mat-ter, to see if they might be affected by the issuance of the license. The question was fully discussed with and by them and in the press, and several furparticular. These amendments were in turn accepted by both the Parker and Jones interests, and, as there appeared to be no sufficient objection to the issuance of the license, it was practically agreed by the government that the license should be granted.

Subsequently Mr. Parker and his astain bills were introduced in Congress.

asking for a right of way over the riage to James Auld.

The petition further recites that the pecussed at Honolulu.

lic Lands. The latter bill, as I am in-formed, is still pending before that

in ascertained that the factors continued between the Parker and Jones 10 course to between the Parker and Jones 10 course of the partie of the partie of the partie of the partie of the same provides to partie of the same provides to the same provides to the same provides to the same provides to the factor and the the factor would probably have to be provided to perfect the course of Parker are the the course of the best are the factor of the same at parties are the factor of the same at the parties of the same that the parties of the same are the parties to the parameter of the bill of the force parties of the parameter of the bill of the force parties of the parameter of the bill of the force parties of the parameter of the bill of the force parties of the parameter of the bill of the force parties of the parameter of the bill of the force parties of the parameter of the bill of the force parties of the parameter of the bill of the force parties of the parameter of the bill of the force parties of the parameter of the bill of the force parties of the bill of the

The turn of the grant is for an

from solving all or a large part of the water to the majority stockholders, who might not sufficiently protect the

The amendments which are now ing an official in Washington to object to possible legislation harmful to the Territory, and the distance from Washington to Honolulu in both time and miles is large. If a precedent should be established by the enactment of this bill into a statute, other attempts of a similar character may be made, and in the same large and intense, but since the There are at present some thirty-five annexation this hardly enters into the Episcopal congrugations in Mexico, with stuation. In fact, I do not think this same twenty native clergymen, and the phase had much to do with the trouble prospects of future growth are very stars ago and he resigned his office.

5. The gentlemen of your committee and other committees do not now pos-sess the intimate knowledge of our lands and the conditions surrounding iands and the conditions surrounding them, or the present means for obtaining such knowledge, so requisite to enable you to thoroughly and sufficiently pass upon the merits of an application of this kind, and if you had such knowledge, your time and attention are occumied with the large affairs of a great nation, and you can not spare the time necessary for such an examination. ingtion.

These are small matters when compared with those of national and international import which constantly demand your close attention, but they are of great importance to the Territory of Hawaii, with her limited resources, and we can and are willing to devote all the time required for a graper solution of these problems. In this case you are asked to decide at a few meetings of an hour or so each, questions which the Territorial officials have passed upon and decided many times, and to which, in the case of the Kohaia water license, they These are small matters when com-

of the Kohala water license, they have devoted anew many days of time, extending over a period of many months, including a personal examination of the hands in question.

I think that this is a matter which should be left to the officers of the Tor-

should be left to the officers of the Ter-

should you think otherwise, I respectfully request that you will not act in this or any similar matter, until you have a personal and exact report from some one upon whose experience and rome one upon whose experience and judgment you place reliance, and whom you may send to Hawaii to make an examination of our conditions.

Respectfully submitted.

EDWARD S. BOYD.

Commissioner of Public Lands for the Territory of Hawaii.

# COMPANY SUED

J. Alfred Magoon has brought suit The Jones application against the Pioneer Mill Co. for possessidered more favorable to the govern- Maui, alleged to have been wrongfully taken by the defendant. Hiura has sued the Pioneer Mill Co.

for damages in the sum of \$2000 for his which all the persons interested were arrest upon a charge of ambicious mis-represented and working in harmony, chief, for which he was commed in fail In the end a form of license was draft- until trial upon which he was released. Waishele is also made a party defendant Hiramoto also sucs the Piencer Mid Co plaint alleges that one of defendant's ser vants, Waisholo assuulted, kicked bruised him, causing great bodily and suffering. All three of the a

All three of the above cases are addressed to Judge Kalua Harriet Bally and D. T. Bally, her hus-band; Charles Lewis and Blanche Lewis, wife of Charles Lewis, Alexander Lewis and Alice Lewis, wife of Alexander Lewis vs. Elizabeth M. Cushingham; James ther amendments to the license were D. Lewis and Annie Lewis, wife of James suggested in the public interest. I refer to the copy of the proposed Ko- hals Water License for its terms in Jas. Auld. Harry Auld and Miriam Auld.

wife of Harry Anid; Cecil Brown, trustee, is the title of a bill for the partition of real property, which was filed in the Circuit Court yesterday.

The plaintiffs allege that James Lewis, father of several of the defendants and April.

plaintiffs. Before this could be granted.

Before this could be done, the Governor received from the Acting Secretary of the Interior a letter denying will be devised unto his wife. Catharine the authority in the Territory to make such a license, and no further proceedings in this matter were had. Recently death the lands to go to his children, when the such a license and the Elizabeth M. Jas. D. Margaret B. Char. died on or about April this decision has been reversed, and the Elizabeth M., Jas. D., Margaret B., Char-Secretary of the Interior, upon the less C. Horace H. Catherine, Harriet and opinion of the Assistant Attorney Gen-Alexander. That Alexander Lewis is the eral, assigned to the Department, has son of Jas. L. Lewis, deceased, and Cathheid that the Territory has full authority to grant a license of this character. 25, 1875. That Catherine Lewis was again y to grant a license of this character. 55, 1875. That Catherine Lewis was again About October 1, 1901, Samuel Parmarried to James Auld, and was his wife ker re-filed in his own name his application with the government, and of-fered practically the same terms as were proposed for the joint Parker-Jones license. James Auld, Eliz Cushingham, Chas. C. sociates, who, as I am informed, do not include J. W. Jones and his associates, Margaret Grieve, Harriet Balley, Alex. formed the Hawaii Ditch Co. Ltd., and Lewis, the children of herself and first at the instance of this company cer-

riage to James Auid.

The petition further recites that the petitioners are tenants in common in cer-The House bill was referred to the committee on the Territories, and the set out in detail, and they ask that the Senate bill to the Committee on Pubrespective interests.

formed, is still pending before that committee.

These bills asked for a grant in perpetuity, without compensation or restrictions of any character, and in addition the right of eminent domain over private lands. The House bill was subsequently amended, and passed by the House, and is now before the Sen-

### REV. HENRY BOND RESTARICK **BISHOP-ELECT OF HONOLULU**

"Higgs sai to The Advertiser." house of Christ Church, East Fourth sirest, three missionary hishops were tional Episcopal shurch of Mexico. The The vagueness of the description three musiciously bishops were for Sa-The territory through which the limit to run and of the rights which with the conferred, leave ten much round for amortishty and literation.

The fact that the charter of the awaii Ditch Co. precludes it from of that country. Eight Potter of New York, who was sent in Hawaii for the money plans all or a large part of the express purpose of investigating the interests of others, and more especiality the small holders of lands. In the license proposed by the government of Hawaii this matter was so fully covered that there can be little room for possible evasion of the intent of the liencore of the trouble and suggesting larly well fitted for his mission of con-ciliating the two sides of the Episconal church of that country. The cause of trouble over there is well known. among the Anglicans was perhaps very

AH S; f = 1 ) = wing correspondence, with the agreement that this church is thems a restance common that is transported by Farure do not conserved any other break as make it interesting to You Advisory characters of the house, was settled readers. region with all the morning of the church, in order to obtain the required CINCINNATI. Aprel 11. At the second clurch, is order to obtain the required such of the house of binhops of the recent Episcopal church, held in this rity April 16 and 15, in the parish house, whereas at the Cheinnati sessions with first history were greened. It and only firty bishops were present. It Mexican church will be honored with this mojerity. The proposition was all the more favorably received, however, because at the last general convention In San Francisco a report from the Mexlean course enve promise of organic the Episcopal church. This action of a National Mexican Episcopal shurch, independent in its jurisdiction, but still under the totelage and patronage of the Epheropal church of the United

following: Rev. Henry Forrester, who has been superintending the Episcopai work in Mexico for the past ten years, who translated the entire ritual 4. The amendments which are now acceptable to the Hawaii Ditch. Co. seen to be so because of opposition of trouble over there is well known. Spanish language; Rev. Jose Antonio fered by the officers of the Hawaiian government and other parties who claim an interest in the matter. The ferritory of Hawaii does not wish to depend upon the efforts of individual citizens, nor locur the expense of keeping an official in Washington to object to possible legislation harmful to the and book of common prayer into the



American, too, in taste and progress—
a man of conservative and yet progressive ideas. I believe under his adof California from 1891-95 gressive ideas. I believe under his ad- of California from 1891-95, inistration the Episcopal church of Hawaii will not only be restored to perfect peace and harmony, but that it | will be on the road to much prosper-At present it is a weak church,

Right Rev. J. H. Johnson, D. D., Los Angeles, Cal., under San Diego, where he has had charge of the same congregation for twenty for Bard some time ago that he was to strong church.

The other missionary bishops elected rector of the Church of the Holy Apos-tles, and a son of the late bishop of Kansas, to be bishop of Salina, Kas.; work in Porto Rico, to be bishop of

The application of the Mexican church for three bishops was considered and granted by a majority vote,

he resigned his office, the way was land. He is a graduate of Berkely Di-clear for the election of an American vinity School, Middleton, Conn.; was clear for the election of an American vinity School, Middleton, Count, and tons at bishop. The selection of Rev. Heary ordained a deacon in 1881 and a priest degree that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick, of San Diego, Cal., for in 1832 by Bishop Perry, of Iowa, Since that the Bond Restarick is the Bond Restarick in Iowa Band Restarick the place is an exceedingly fortunate 1852 he has been rector of St. Paul's one. He is an Englishman by birth church, San Diego, Cal. From 1880-82 and, if there are any prejudices, this he was curator of Trinity church, Musought to make him all the more ac- catine. Ia. He was a delegate to the ceptable and agreeable to the American general convention in 1895 and is the side. But he has personal qualifica-tions. I understand, which eminently being "Lay Readers, Their History, Or-

J. A. HOMAN.

MR. RESTARICK INTERVIEWED. SAN DIEGO, Cal., April 25.—The Rev. Henry B. Restarick, rector of St. Paul's parish, and archdeacon of San Diego county, has practically decided to accept the election as bishop of Hobishop of Los Angeles, Cal., under whom the bishop-elect of Honolulu has been carrying on his work for many mally done so. As yet, of course, there ture seems probable. European Beets, after the low figure established 24th highest recommendation. Among other cratica, though the rector would not things he said to your correspondent: be averse to having that date coin-"A better choice for this difficult posi-tion could not have been made. Mr. Sunday fell in June, 1882, for it was feet that including the sowings in Rus-Restarick has built up one of the finest on that day, in Davenport, Ia., that he congregations in the United States at was ordained priest. Mr. Restarick was notified by Sena-

years. The congregation is cosmopoli- be appointed on the commission in the tan in character and the pastor has matter of the Warner's Ranch Inshown his faculty of being able to cement together the different kinds of other location, and for whom the Govmodern ways of church work and uses them successfully. And a point in his ston Indians generally throughout favor is that he is familiar with the Southern California. Mr. Restarick is ways and peculiarities of Western people. He is thoroughly conservative and county, where there are nearly 3000 yet progressive in his ideas. I believe wards of the Government, and he conhe will succeed in uniting the sides of siders himself bound in honor and duty Episcopal church in Honolulu into to act on this commission before he perfect harmony and making it a leaves. It is hoped, however, that this will cause but little delay and it is thought that the appointments would were Rev. Nathaniel Seymour Thomas, have been made and the work commenced ere this had it not been for the untimely death of Senator Bard's brother, who was buried at Ventura Rev. James Heartt Van Buren, at pres-last Thursday. Senator Bard has had ent in charge of the Episcopal church's charge of most of the arrangements

Scatton that he had been becomed be the chares, but with professed segret at the chargest of his leaving. This re-red was almost universal. His parish-concer were grief stricken at the concer were grief etricken at the ibrought or his beaving the purish of which his heart the rector for almost tundly years, and the propin of the city generally have thought of the prospect of his going as a sort of pubcollectory associated with the grawth of the city and to so well knows early sveryone in the emusty that the people feel in his going a personal loss. His gostiles in this community has been one abmost unique is its nature All people have known to whom the could go for sympathy and advice, an regardless of bellef or lack of bellet

Rev. Mr. Bestarick has seen the growth of the church in Sun Diego from twenty communicants to its present number of over 550. He has been honored in the church by election to four conventions, twice for the old diecere of California and twice from the Los Angeles diocese. He has been as examining chaplain of both dieceses and a member of the standing commit-tee of the diocese of Los Angeles since its organization. He was dean of Southern California under the old diewe and is now archdeacon of San Diego county. He came to St. Paul's parish in July, 1882, on the first train that brought passengers here, and three days later he preached his first sermon on the 19th of July, 1882. was married between the time of his ordination in June, 1882, and his arrival here in the following month. Be has children.

When seen this afternoon at the rectory of St. Paul's church and asked as to his future policy should be accept the hishopric of Honolulu, he said: "If I accept and my election is confirmed by the diocese, and if I go as bishop Honolulu, my policy will be to work with all my power for the upbuilding of the kingdom of God in the Hawaiian Islands, and I have confidence that the clergy and laity there will labor

with me for the same end."

When asked about the troubles in the church in the Islands, Mr. Restarick said: "The troubles do not concern me. Bishop Nichols is a wise man and he has, I should judge from the report in the Honolulu Commercial Advertiser, done much to remove the differences. If I go, I shall go hopefully and cheerfully. I have many friends and old parishioners in the Islands. It he has, I should judge from the report and old parishioners in the Islands. It is very hard to break the sacred ties here, cemented as they are by the affection of years, but the call of the church has come in such a way that I believe it is my duty to obey."

Mr. Restarick has not yet seen his bishop since his return from Cincin-nati, and will give his decision after an interview with him. Mr. Restarick has been informed by letters that his election by the house of bishops was practically unanimous and on the first bal-W. T. BLAKE.

#### SUGAR

The following letters have been re-The following letters have been received from Williams, Dimond & Company by their local correspondents. The first one, giving the Sonoma's report, contains the very latest dispatches from New York, showing again an advance in the sugar rates. The longer message is by the Doric:

Sugar—We confirm the contents of our last respects of even date per Doric.

Sugar telegram from New York dated May 1st, 1992, just received reads; "Spot gales today 2100 tons Cuba Contrifugals 96 degrees test at 3½c; Granulated unchanged; Beets unchang-

The above consequently establishes basis for 96 degrees Centrifugals in New York on this date, 3.50c, San Fran-

cisco, 3.125c. We last addressed you 22nd ult., per China, by circular.
Sugar-No changes have since occurred in the local market or for export, prices established March 5th still be-

Basis-April 23rd to 28th, no sales;29, spot sale 1000 tons at 3 7-16c, and on same date cost and freight sale 2600 tons at 3 44c; 30, "to arrive" sale, 800 tons at 3.44c; 30, "to arrive" sale, 800 tons at 3.7-16c, establishing basis for 96 degree Centrifugals in New York on that date, 3.4375c; San Francisco,

New York Refined-Ouotation of 4 50c equivalent to 4.50c net cash, established April 14, continued in force until April 28, on which date a reduction of five points occurred, establishing the price now prevailing, viz., 4.55c, equivalent to 4.45c net cash.

London Cable—April 26 quote Java No. 15 D. S., 7s 9d; Pair Refining, 6s 9d, against 11s 6d and 10s 9d respectively, corresponding period last year. May Beets, 6s 1½d, against 9s %d same date

Eastern and Foreign Markets—According to latest mail reports from New York under date of the 26 ult., the Raw Sugar market is steady and ult., have improved materially. ter feeling appears to prevail, both in New York and abroad; nevertheless, Mr. Licht's latest estimates to the efsia, the total reduction in Beet sowings throughout Europe is not over 6 per cent has produced disappointment. Re fined has been in light demand, and fined has been in light demand, and the reduction announced 25th ult. was

brought about, doubtless, in order to induce more liberal purchases. Legislation—The Chinese exclusion bill was signed 29th ult, by the Presi-dent, and we refer you to copies of the ment together the different kinds of people and make them work together. He is thoroughly acquainted in the modern ways of church work and uses them successfully. And a point in his favor is that he is familiar with the Southern California. Mr. Restarick is an authority on Indian affairs in this of the hill are extended indefinitely up. of the bill are extended indefinitely un-+++++++ ++++++++++++++

SCIATIC RHEUMATISM AFTER FOURTEEN YEARS OF SUFFERING.

"I have been afflicted with sciatic rheumatism for fourteen years," says Josh Edgar, of Germantown, Cal., U. S. A. 'I was able to be around but constantly suffered. I tried everything I could hear of and at last was told to last Thursday. Senator Bard has had charge of most of the arrangements and his being called from Washington just at this time has seemingly stopped work on behalf of the Indians.

The news of Mr. Restarick's election was received in San Diego with grati-

Ayer's Hair Viger will surely restore moles to your gray hate, and will give to it all the wealth and gloss of our ly life. falling of alver and will keep

the scalp clean and healthy, entirely free from dandruff.

And it makes the hair grow thick and long. This is because it is a hairfood, giving to the bair just what it needs to make it grow as nature in-

### Ayer's Hair Vigor

such a preparation ; while you will cortainly feel a sense of security in using something that others have used for half a century.

Do not be deceived by cheap imitations which will only disappoint you. Make sure that you get the gentine Ayer's Hair Vigor.

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The price of each of the above mentioned articles is \$40. These will be given away on

July 1st to customers who purchase goods of us on or after March 15, 1902. For the purpose of distributing these goods to those entitled to receive them we will, commencing March 15th, present a numbered certificate of purchase to each purchaser of one dollar's worth of goods at our store. This will be in addition to the usual 5 per cent off for cash.

These desirable gifts are now on exhibition in our large front windows. They will be distributed fairly among our customers, and in accordance with

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Consideration of the Cuban reciproci-ty bill passed by the House, continues in the Senate at the hands of the Com-mittee on Cuban Affairs. The outcome

is awaited with interest.
Cuba-Stocks there, estimated 22nd
ult., are 407,000 tons. Mr. Guma has reduced his crop estimates to 750,000 tons.

A new 16-inch gun is to be tried which is expected to throw a shell 31